

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-19 are currently pending. Claims 1-6, 9-13, 15, and 17-19 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, the Examiner indicated that one of the references cited in the Information Disclosure Statement filed July 26, 2004, was not considered because an English abstract was not provided; Claims 4-7, 12, 13, and 17-19 were rejected under 35 U.S.C. §112, second paragraph, regarding questions of antecedent basis; Claims 1, 5, 8-12, and 16-19 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,378,887 to Kobayashi (hereinafter “the ‘887 patent”); Claims 2, 3, and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘887 patent in view of U.S. Patent Application Publication No. US2002/0188852 to Masaki et al. (hereinafter “the ‘852 application”); and Claims 6, 7, 13, and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘887 patent in view of U.S. Patent No. 6,351,845 to Hinker et al. (hereinafter “the ‘845 patent”).

Applicant respectfully submits that the rejection of Claims 4-7, 12, 13, and 17-19 under 35 U.S.C. §112, second paragraph, are rendered moot by the present amendment to the claims. The claims have been amended to clarify and distinguish internal access from external access. Accordingly, Applicant respectfully submits that the claims are clear and definite.

Amended Claim 1 is directed to an information processing apparatus including an information recording medium, comprising: (1) communicating means for communicating data with the information recording medium; (2) detecting means for detecting access to the

information recording medium; (3) determining means for determining whether a result of detection by the detecting means indicates internal access by the communicating means or external access from an external apparatus; and (4) access controlling means for controlling the external access from the external apparatus when the determining means determines that the result of detection by the detecting means indicates the external access from the external apparatus. Claim 1 has been amended to clarify the internal and external access, and no new matter has been added.

The '887 patent is directed to a non-contact type IC card that communicates signals with an external device in a non-contact manner, including a main circuit that conducts various operations based on functions of the IC card, means for creating an operation inhibit signal to inhibit operation of the main circuit for a predetermined period of time, and control means for controlling the main circuit and the operation inhibition signal generating means. Further, the '887 patent discloses that the main circuit is inhibited for a predetermined period of time after the operation of the main circuit is completed to prevent a double write operation of history in the IC card due to re-access in a short period of time. As shown in Figure 5, the '887 patent discloses a memory 32 having two memory areas 321 and 322, a memory control section 36, a read area deciding section 34, and a modulating and de-modulating section 38. The '887 patent discloses that the read area deciding section 34 determines from which one of the two areas 321 and 322 of the memory data is to be read.¹ Further, the '887 patent discloses that the memory control section 35 controls writing to and reading from the memory 32, wherein the memory control section writes to or reads from either area 321 or area 322 based on information provided by the read area deciding section 34.

¹ '887 patent, column 7, lines 62-65.

However, Applicant respectfully submits that the '887 patent fails to disclose the detecting means, the determining means, and the access controlling means recited in Claim 1. Initially, Applicant notes that the Office Action states that elements 32, 34, and 36 shown in Figure 5 of the '887 patent collectively read on the communication means recited in Claim 1. Accordingly, it is unclear to Applicant which elements in Figure 5 of the '887 patent read on the claimed recording medium recited in Claim 1. Since the Office Action has stated that the memory 32 is part of the communication means it is unclear how the memory 32 can also be the recording medium. However, Applicant will assume that the Office Action intended the memory 32 to be the recording medium recited in Claim 1. Under this assumption, Applicant notes that only the memory section 36 accesses the memory 32. Accordingly, Applicant respectfully submits that the '887 patent fails to disclose determining means for determining whether a result of detection by the detection means indicates internal access by the communication means or external access from an external apparatus. Since only the memory control section 36 accesses the memory 32, it is unclear to Applicant how the memory control section can determine itself whether it accessed the memory 32 or an external apparatus accessed the memory 32, as implied by the outstanding Office Action. In this regard, Applicant notes that page 5 of the outstanding Office Action states that "[a]dditionally, the access could...simply result from reading the memory via the read area deciding section." However, Applicant respectfully submits that the '887 patent discloses that the read area deciding section 34 merely indicates to the memory control section which area 321 or 322 in which to write to or read from. Thus the read area deciding section does not access the memory 32 and does not send a request to access the memory 32. In this regard, Applicant notes that Claim 1 requires a detecting means for detecting access to the information recording medium. Accordingly, under the scenario outlined in the outstanding Office Action, the read area deciding section must directly access the memory 32 and this alleged

access must be then detected by a detecting means, which is presumably the memory control section 36, in the scenario outlined in the outstanding Office Action. However, as the arrow in Figure 5 from the memory 32 to the read area deciding section 34 indicates, the read area deciding section 34 does not access the memory 32. As stated above, only the memory control section 36 accesses the memory 32.

Thus, since the '887 patent fails to disclose the determining means recited in Claim 1, it must also fail to disclose the access controlling means for controlling the external access when the determining means determines that the result of the detection by the detecting means indicates that the external access from the external apparatus, as recited in Claim 1. Since the '887 patent does not disclose that the memory control section differentiates between an internal access and an external access (since the '887 patent only discloses one type of access), it cannot disclose the access controlling means, which performs a process based on whether the access is external. In this regard, Applicant notes that the Office Action asserts that the circuit setting time for inhibition of re-access circuit 12 shown in Figure 2 of the '887 patent reads on the access controlling means recited in Claim 1. However, Applicants respectfully submit that the circuit for setting the time for inhibition of re-access does not make a decision based on whether a determining means determines that the result of detection by the detecting means indicates the external access from an external apparatus. Rather, the operation of the inhibition circuit is based on timing and on when the main circuit has completed an operation. The inhibition circuit does not operate based on whether a determining means determines internal or external access to the recording medium, as required by Claim 1.

For the reasons stated above, Applicant respectfully submits that amended Claim 1 (and dependent Claims 5 and 8) patentably define over the '887 patent.

Independent Claims 9-12 and 17-19 recite limitations analogous to the limitations recited in Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicant respectfully submits that Claims 9-12 and 17-19 patentably define over the '887 patent.

Regarding the rejection of dependent Claims 2, 3, 6, 7, 13, 14, and 15, Applicant respectfully submits that the '852 application and the '845 patent fail to remedy the deficiencies of the '887 patent, as discussed above. Accordingly, Applicant respectfully submits that dependent Claims 2, 3, 6, 7, and 13-15 patentably define over any proper combination of the '887 patent, the '852 application, and the '845 patent.

Thus, it is respectfully submitted that independent Claims 1, 9, 10-12, and 17-19 (and all associated dependent claims) patentably define over any proper combination of the '887 patent, the '852 application, and the '845 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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